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A BILL
24-760

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Firearms Control Regulations Act of 1975 to clarify requirements involving ghost guns and permit the possession of properly serialized self-manufactured firearms that are not otherwise prohibited, to regulate carrying of firearms by off-duty law enforcement officers, and to expand the prohibition on carrying a pistol while impaired; and to amend An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, to apply the same rules to stay-away orders that apply to orders prohibiting assault, harassment, stalking, and threats, to clarify restrictions on the lawful transportation of firearms, and to authorize and limit the carrying of pistols by off-duty law enforcement officers, other United States officers and employees while on duty, manufacturers, and those transporting firearms for limited purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Omnibus Firearm and Ghost Gun Clarification Amendment Act of 2022”.

Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 7-2501.01) is amended as follows:

(1) Paragraph (9B) is amended to read as follows:

“(9B)(A) “Frame” or “receiver” means a part of a firearm that, when the complete weapon is assembled, is visible from the exterior and provides the housing or structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect those components to the housing or structure.

33 “(B) For the purposes of this paragraph, the term “fire control component”
34 means a component necessary for the firearm to initiate, complete, or continue the firing sequence,
35 and includes a hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin,
36 striker, or slide rails.

37 “(C)(i) For a firearm model that has multiple parts that could be deemed a
38 “frame” or “receiver” under subparagraph (A) of this paragraph, the term “frame” or “receiver”
39 shall not include “non-primary frames” or “non-primary receivers”.

40 “(ii) A part that would otherwise be deemed a “frame” or “receiver”
41 under subparagraph (A) of this paragraph shall be deemed a “non-primary frame” or “non-primary
42 receiver” if federal law:

43 “(I) Does not require serialization of that part; and

44 “(II) Requires serialization of another part that is a frame or
45 receiver, as those terms are defined in this section.

46 “(D)(i) The term “frame” or “receiver” shall not include a frame or receiver
47 that has been destroyed.

48 “(ii) For the purposes of this subparagraph, a frame or receiver is
49 destroyed if it has been permanently altered not to provide housing or a structure that may hold or
50 integrate any fire control or essential internal component, and may not readily be assembled,
51 completed, converted, or restored to a functional state.”.

52 (2) Paragraph (9C) is amended to read as follows:

53 “(9C)(A) “Ghost gun”:

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54 “(i) Means any of the following:

55 “(I) Any firearm that, after the removal of grips, stocks, and
56 magazines, is not as detectable as the Security Exemplar by walk-through metal detectors
57 calibrated and operated to detect the Security Exemplar;

58 “(II) Any major component of a firearm that, when subjected
59 to inspection by the types of detection devices commonly used at secure public buildings and
60 transit stations, does not generate an image that accurately depicts the shape of the component; or

61 “(III) Any firearm, including a frame or receiver, that lacks
62 a unique serial number engraved or cast on it by a licensed manufacturer or importer in accordance
63 with federal law, assigned by the agency of a State and permanently engraved or cast on the
64 firearm, or otherwise placed on the firearm in compliance with section 202; and

65 “(ii) Does not include:

66 “(I) Any firearm that has been rendered permanently
67 inoperable;

68 “(II) Any firearm manufactured or imported before
69 December 16, 1968; or

70 “(III) Any firearm identified as provided for under section
71 5842 of the Internal Revenue Code of 1986.

72 “(B) For the purposes of subparagraph (A)(i)(I) of this paragraph, the term
73 “firearm” does not include the frame or receiver of any such weapon.

74 “(C) For the purposes of subparagraph (A)(i)(II) of this paragraph, the term
75 “major component” with respect to a firearm:

76 “(i) Means the slide or cylinder or the frame or receiver of the
77 firearm; and

78 “(ii) In the case of a rifle or shotgun, includes the barrel of the
79 firearm.”.

80 (3) A new paragraph (9D) is added to read as follows:

81 “(9D) “Intrafamily offense” shall have the same meaning as provided in D.C.
82 Official Code § 16-1001(8).”.

83 (4) A new paragraph (10A) is added to read as follows:

84 “(10A) “Manufacture”:

85 “(A) Means:

86 “(i) To fabricate, make, form, produce, or construct, by manual labor
87 or by machinery;

88 “(ii) To assemble a functional firearm; or

89 “(iii) To mold, machine, or 3D print a frame or receiver; and

90 “(B) Does not include making or fitting special barrels, stocks, or trigger
91 mechanisms to firearms.”.

92 (5) A new paragraph (11A) is added to read as follows:

93 “(11A) “Permanently inoperable” means incapable of discharging a shot by means
94 of an explosive and incapable of being readily restored to a firing condition.”.

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95 (6) Paragraph (17B) is repealed.

96 (b) Section 201(b)(1) (D.C. Official Code § 7-2502.01(b)(1)) is amended to read as
97 follows:

98 “(1)(A) Qualified law enforcement officers, as that phrase is defined in 18 U.S.C.
99 § 926B(c) and (f), who are carrying the identification required by 18 U.S.C. § 926B(d);

100 “(B) Qualified retired law enforcement officers, as that phrase is defined in
101 18 U.S.C. §926C(c) and (e)(2), who are carrying the identification required by 18 U.S.C. §
102 926C(d);

103 “(C) Members of the Army, Navy, Air Force, or Marine Corps of the United
104 States, or of the National Guard or Organized Reserves, when on duty and duly authorized to carry
105 a firearm; and

106 “(D) Officers or employees of the United States not mentioned in
107 subparagraph (A) or (C) of this paragraph, when duly authorized to carry a firearm.”.

108 (c) Section 202 (D.C. Official Code § 7-2502.02) is amended by adding a new subsection
109 (c) to read as follows:

110 “(c)(1) Notwithstanding subsection (a)(5) of this section, a registration certificate may be
111 issued for a self-manufactured firearm that is not prohibited under subsection (a)(1) through (4) or
112 (6) through (8) of this section if:

113 “(A) The applicant meets the requirements of section 203; and

114 “(B) A unique serial number is engraved or cast on, or otherwise
115 permanently affixed to, the firearm in a manner that meets or exceeds the requirements imposed

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116 on licensed importers and licensed manufacturers of firearms pursuant to 18 U.S.C. § 923(i) and
117 regulations issued pursuant thereto; provided, that a serial number or mark of identification
118 exceeds these requirements if the engraving, casting, or stamping (impressing) of the serial number
119 exceeds the required minimum depth or exceeds the minimum print size of that provision.

120 “(2)(A) An applicant who meets the requirements of section 203 may register a
121 self-manufactured firearm that does not bear a serial number as described in paragraph (1)(B) of
122 this subsection, if, prior to finishing the frame or receiver, the applicant has caused a unique serial
123 number to be engraved, casted, stamped (impressed), or placed on the frame or receiver, as set
124 forth in subparagraphs (B) and (C) of this paragraph.

125 “(B) The serial number shall consist of the first and last name of the self-
126 manufacturer, followed by the designation “DC” and then a set of 2 to 5 numbers.

127 “(C) The set of numbers described in subparagraph (B) of this paragraph
128 shall not duplicate any serial number placed by the self-manufacturer on any other firearm. The
129 applicant shall, before engraving, casting, stamping (impressing), or placing a serial number on
130 the frame or receiver, confirm with the Metropolitan Police Department that the proposed serial
131 number has not already been registered to another firearm.”.

132 (d) Section 203(b)(10) (D.C. Official Code § 7-2502.03(b)(10)) is amended by striking the
133 phrase “The name” and inserting the phrase “For a firearm that is not self-manufactured pursuant
134 to section 202, the name” in its place.

135 (e) Section 206 (D.C. Official Code § 7-2502.06) is amended by adding a new subsection
136 (c) to read as follows:

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137 “(c) Notwithstanding subsection (a) of this section, a person seeking a registration
138 certificate for a firearm that the person has self-manufactured shall file a registration application
139 within 5 business days after completing manufacture of the firearm.”.

140 (f) Section 401(a) (D.C. Official Code § 7-2504.01(a)) is amended to read as follows:

141 “(a) No person or organization shall engage in the business of manufacturing any firearm,
142 destructive device or parts thereof, or ammunition, within the District; provided, that:

143 “(1) Nothing in this section shall preclude persons not otherwise prohibited from
144 possessing firearms from making their own firearms solely for personal use (not for sale or
145 distribution) in accordance with this act, rules implementing this act, and any applicable federal
146 law or regulation; and

147 “(2) A person holding registration certificates may engage in hand loading,
148 reloading, or custom loading ammunition for the person’s registered firearms; provided, that such
149 person may not hand load, reload, or custom load ammunition for others.”.

150 (g) Section 408(a) (D.C. Official Code § 7-2504.08(a)) is amended as follows:

151 (1) Strike the phrase “No licensee” and insert the phrase “No person or
152 organization” in its place

153 (2) Strike the phrase “firearm which” and insert the phrase “firearm, including a
154 frame or receiver, which” in its place.

155 (h) Section 501 (D.C. Official Code § 7-2505.01) is amended by striking the phrase “ghost
156 gun, unfinished frame or receiver, or ammunition” and inserting the phrase “ghost gun, or
157 ammunition” in its place.

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158 (i) Section 504 (D.C. Official Code § 7-2505.04) is amended by adding a new subsection
159 (b-1) to read as follows:

160 “(b-1) Notwithstanding any other provision of this section, a person may lawfully:

161 “(1) Self-manufacture a pistol; and

162 “(2) Possess and own a pistol that the person self-manufactured pursuant to
163 paragraph (1) of this subsection and registered pursuant to section 202.”.

164 (j) Section 801(3)(B) (D.C. Official Code § 7-2508.01(3)(B)) is amended to read as
165 follows:

166 “(B) A conviction for violating section 201, 401, 501, 601, or 906, or an
167 attempt or conspiracy to commit any of those offenses;”.

168 (k) Section 906(b) (D.C. Official Code § 7-2509.06(b)) is amended by striking the phrase
169 “A licensee shall not” and inserting the phrase “No person shall” in its place.

170 (l) Section 907(b) (D.C. Official Code § 7-2509.07(b)) is amended to read as follows:

171 (b) “Except as provided in 18 U.S.C. §§ 926B and 926C, the carrying of a concealed pistol:

172 “(1) On private residential property shall be presumed to be prohibited unless
173 otherwise authorized by the property owner or person in control of the premises and communicated
174 personally to the licensee in advance of entry onto the residential property;

175 “(2) In a church, synagogue, mosque, or other place where people regularly
176 assemble for religious worship shall be presumed to be prohibited unless the property is posted
177 with conspicuous signage allowing the carrying of a concealed pistol, or the owner or authorized
178 agent communicates such allowance personally to the licensee in advance of entry onto the

179 property; provided, that such places may not authorize the carrying of a concealed pistol where
180 services are conducted in locations listed in subsection (a) of this section; and

181 “(3) On private property that is not a residence shall be presumed to be permitted
182 unless the property is posted with conspicuous signage prohibiting the carrying of a concealed
183 pistol, or the owner or authorized agent communicates such prohibition personally to the
184 licensee.”.

185 Sec. 3. An Act To control the possession, sale, transfer and use of pistols and other
186 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence,
187 and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*)
188 is amended as follows:

189 (a) Section 1(2B) (D.C. Official Code § 22-4501(2B)) is amended is amended by striking
190 the phrase “section 101(9B) of the Firearms Control Regulations Act of 1975, effective September
191 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(9B))” and inserting the phrase “section
192 101(9D) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C.
193 Law 1-85; D.C. Official Code § 7-2501.01(9C))” in its place.

194 (b) Section 3(a)(5)(B) (D.C. Official Code § 22-4503(a)(5)(B)) is amended to read as
195 follows:

196 “(B) Restrains the person from assaulting, harassing, stalking, or
197 threatening any person named in the order, or requires the person to stay away from, or have no
198 contact with, any other person or a location; and”.

199 (c) Section 4b (D.C. Official Code § 22-4504.02) is amended as follows:

200 (1) The section heading is amended by striking the phrase “Lawful transportation
201 of” and inserting the phrase “Transportation of” in its place.

202 (2) Subsection (a) is amended to read as follows:

203 “(a) A person may not transport a firearm unless the person:

204 “(1) Is not otherwise prohibited by law from transporting, shipping, or receiving
205 the firearm;

206 “(2) Is transporting the firearm for a lawful purpose from a place where the person
207 may lawfully possess and carry the firearm to another place where the person may lawfully possess
208 and carry the firearm; and

209 “(3) Transports the firearm in accordance with this section.”.

210 (3) New subsections (d), (e), and (f) are added to read as follows:

211 “(d) The requirements of subsection (b) of this section shall not apply to a person who has
212 a license to carry a pistol concealed upon their person pursuant to section 6, and who is transporting
213 the firearm concealed upon their person.

214 “(e) The requirements of subsection (c) of this section shall not apply to a person who has
215 a license to carry a pistol concealed upon their person pursuant to section 6.

216 “(f) Prosecutions for violations of this section shall be brought by the Attorney General for
217 the District of Columbia in the name of the District of Columbia.”.

218 (d) Section 5 (D.C. Official Code § 22-4505) is amended to read as follows:

219 “Sec. 5. Exceptions to section 4.

220 “(a) The provisions of section 4(a), as they pertain to a pistol, and (a-1), shall not apply to:

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221 “(1) A person engaged in the business of manufacturing, repairing, or dealing in
222 firearms, and their agents, employees, and representatives, who possess, carry, or use a pistol in
223 the ordinary course of that business; or

224 “(2) Any person while carrying a pistol, transported in accordance with section 4b:

225 “(A) From the place of purchase to the person’s home or place of business;

226 “(B) To a place of repair, or back from that place to the person’s home or
227 place of business;

228 “(C) While moving goods from one place of abode or business to another;

229 or

230 “(D) To or from any lawful recreational firearm-related activity.

231 “(b) The provisions of section 4(a) and (a-1), shall not apply to:

232 “(1) Qualified law enforcement officers who are carrying the identification required
233 by 18 U.S.C. § 926B(d);

234 “(2) Qualified retired law enforcement officers who are carrying the identification
235 required by 18 U.S.C. § 926C(d);

236 “(3) Members of the Army, Navy, Air Force, or Marine Corp of the United States,
237 or of the National Guard or Organized Reserves, when on duty and duly authorized to carry a
238 firearm; and

239 “(4) Officers or employees of the United States not otherwise described in
240 paragraph (1) or (3) of this subsection, when duly authorized to carry a firearm.

241 “(c) The provisions of section 4(a), to the extent that they pertain to a firearm described in
242 18 U.S.C. § 926C(a), shall not apply to a police officer who has retired from the Metropolitan
243 Police Department, if the police officer:

244 “(1) Is a qualified retired law enforcement officer who is carrying the identification
245 required by 18 U.S.C. § 926C(d);

246 “(2) Has registered the firearm; and

247 “(3) Has concealed the firearm on or about the officer.

248 “(d) For the purposes of this section, the term:

249 “(1) “Qualified law enforcement officer” shall have the same meaning as provided
250 in 18 U.S.C. § 926B(c).

251 “(2) “Qualified retired law enforcement officer” shall have the same meaning as
252 provided in 18 U.S.C. § 926C(c) and (e)(2).

253 “(3) “Recreational firearm-related activity” includes a firearms training and safety
254 class.”.

255 (e) A new section 5a is added to read as follows:

256 “Sec. 5a. Off-duty law enforcement officers carrying restrictions.

257 “(a) Notwithstanding section 5 or any other law, no off-duty law enforcement officer shall
258 carry any firearm, openly or concealed, in the following locations or under the following
259 circumstances:

260 “(1) A building or office occupied by the District of Columbia, its agencies, or its
261 instrumentalities;

262 “(2) A District government property or park;

263 “(3) Any private residential property other than the officer’s own residence, if:

264 “(A) The property displays clear and conspicuous signage indicating that
265 firearms are prohibited; or

266 “(B) The property owner or person in control of the premises directly
267 communicates, orally or in writing, to the law enforcement officer in advance of entry onto the
268 residential property that the carrying of pistols is prohibited;

269 “(4) Any private property that does not belong to the law enforcement officer and
270 that is not a residence, including private property open to the public, if:

271 “(A) The property is posted with conspicuous signage prohibiting the
272 carrying of a pistol; or

273 “(B) The owner or authorized agent personally communicates to the law
274 enforcement officer that the carrying of pistols is prohibited; and

275 “(5) In a church, synagogue, mosque, or other place where people regularly
276 assemble for religious worship, and that is not otherwise covered by paragraph (1) or (2) of this
277 subsection, if:

278 “(A) The property is posted with conspicuous signage prohibiting the
279 carrying of a pistol; or

280 “(B) The owner or authorized agent communicates to the law enforcement
281 officer that carrying a pistol is prohibited.

282 “(b) For the purposes of this section:

283 “(1) A law enforcement officer shall be off-duty when the officer is not performing
284 an official duty for the governmental agency that authorizes the officer to carry a firearm; and

285 “(2) A Metropolitan Police Department officer’s authorized service weapon
286 includes the officer’s authorized off-duty service weapon.

287 “(c) This section shall not apply to the carrying of authorized service weapons by:

288 “(1) Law enforcement officers employed by the District, including members of the
289 Metropolitan Police Department; or

290 “(2) An officer, agent, or employee of the United States, a State, or political
291 subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection,
292 investigation, or prosecution of any violation of law and who is engaged in the lawful performance
293 of their official duties, including travel to or from any official activity and participation in an
294 authorized honor guard.”.

295 Sec. 4. The Ghost Gun Clarification Temporary Amendment Act of 2022, enacted on
296 November 1, 2022 (D.C. Act 24-611; ___ DCR ___), is repealed.

297 Sec. 5. Fiscal impact statement.

298 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
299 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
300 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

301 Sec. 6. Effective date.

302 This act shall take effect following approval by the Mayor (or in the event of veto by the
303 Mayor, action by the Council to override the veto), a 60-day period of congressional review as

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304 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24,
305 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
306 Columbia Register.